

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS, ILLINOIS

BRIAN GREGORY,)	
)	
Plaintiff,)	
)	
vs.)	Cause No.: 3:14-cv-00572-JPG-PMF
)	
FED EX NATIONAL LTL, INC.,)	
and DANIEL ADAM DAVIS,)	
)	
Defendants.)	

COMPLAINT AT LAW

COUNT I

BRIAN GREGORY AGAINST FED EX NATIONAL LTL, INC.

NOW COMES the plaintiff, BRIAN GREGORY, by and through his attorneys, KIRKPATRICK LAW OFFICES, P.C., and complaining of the defendant, FED EX NATIONAL LTL, INC., and respectfully alleges as follows:

1. That on or about December 29, 2009, Plaintiff, Brian Gregory, was operating a motor vehicle in a westerly direction on Broadway Avenue in Mt. Vernon, Jefferson County, Illinois.
2. That at all times herein mentioned, plaintiff, BRIAN GREGORY remains a resident of the State of Illinois.
3. That on said date, Daniel Adam Davis, a resident of El Paso, Texas was an agent or employee of Defendant, Fed Ex National LTL, Inc., a Florida corporation and was acting within the scope of his employment.

4. That defendant, Daniel Adam Davis was on said date operating a semi-tractor pulling two trailers and exiting a private road or drive onto Broadway Avenue.

5. That the vehicle driven by plaintiff collided with the vehicle or trailer operated by Daniel Adam Davis.

6. That the aforementioned collision was proximately caused by one or more of the following negligent acts or omissions on the part of this defendant, its agents, servant or employee:

- a. Negligently and carelessly failed to keep a proper lookout for other vehicles on the roadway including the vehicle driven by plaintiff;
- b. Negligently and carelessly failed to stop before entering Broadway Avenue;
- c. Negligently and carelessly failed to keep the semi-tractor trailer under proper control in order to avoid the collision with plaintiff;
- d. Negligently and carelessly entered Broadway Avenue without first determining it was safe to do so;
- e. Negligently and carelessly failed to yield the right of way to traffic on Broadway Avenue, including the vehicle driven by defendant;
- f. In violation of the Illinois Statute 625 ILCS 5/11-906, failed to yield the right of way to vehicles approaching on the highway including the vehicle driven by plaintiff.

WHEREFORE, plaintiff, BRIAN GREGORY, demands judgment against the defendant, FED EX NATIONAL LTL, INC., in an amount greater than SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00), plus costs.

COUNT II

BRIAN GREGORY AGAINST DANIEL ADAM DAVIS

1-6. Plaintiff repeats and realleges paragraphs 1 through 6 and subparagraphs a through f of Count I to be incorporated into Count II of this Complaint.

WHEREFORE, plaintiff, BRIAN GREGORY, demands judgment against the defendant, DANIEL ADAM DAVIS, in an amount greater than SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00), plus costs.

By: /s/ Eric Kirkpatrick
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